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9 Attorneys for Plaintiff
10 MOBILE HI-TECH WHEELS
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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
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15 MOBILE HI-TECH WHEELS,

16 Plaintiff,

17 vs.

18 TWM WHOLESALE, LLC and
19 TIRE & WHEEL MASTER, INC.;
20 TIRE & WHEEL MASTER, LLC;
21 USA WHEEL & TIRE OUTLET, INC.;
22 ASLAM PROPERTY, INC.;
23 HB COMMERCIAL LLC; NADEEM ASLAM;
24 and AMMAD HUSSAIN,

25 Defendants.
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Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 **I. JURISDICTION**

2 1. This is an action for patent infringement in violation of the patent laws of the
3 United States, 35 U.S.C. § 1, et seq.

4 2. On information and belief, venue is proper under 28 U.S.C. §§ 1391(b),
5 1391(c)(2), and 1400(b) in that Defendants TWM Wholesale, LLC, Tire & Wheel Master,
6 LLC, Tire and & Wheel Master, Inc. and HB Commercial, LLC have their principle place of
7 business within this district, and Defendant Ammad Hussain is a resident of this district.
8 Defendant USA Wheel & Tire Outlet Inc. has a branch in California and regularly conducts
9 business in this district. A majority of the complained of acts occurred in this district.

10 **II. PARTIES**

11 3. Plaintiff Mobile Hi-Tech Wheels (“MHT”) is a corporation organized and
12 existing under the laws of the State of California having a principal place of business at
13 19200 South Reyes Avenue, Rancho Dominguez, California 90221.

14 4. On information and belief, Defendant TWM Wholesale, LLC is a company
15 organized under the laws of the State of Delaware having a principal place of business at
16 3745 Petersen Rd., Stockton, CA 95215.

17 5. On information and belief, Defendant Tire & Wheel Master, Inc. is a
18 corporation organized under the laws of the State of California having a principal place of
19 business at 3745 Petersen Rd., Stockton, CA 95215.

20 6. On information and belief, Defendant Tire & Wheel Master, LLC is a company
21 organized under the laws of the State of California having a principal place of business at
22 3745 Petersen Rd., Stockton, CA 95215.

23 7. On information and belief, Defendant HB Commercial LLC is a company
24 organized under the laws of the State of Delaware having a principal place of business at
25 3532 Canyon Lands Rd, Stockton, CA 95209.

26 8. On information and belief, Defendant Ammad Hussain is a resident
27 of California.

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1 9. On information and belief, Defendant USA Wheel & Tire Outlet, Inc. is a
2 corporation organized and existing under the laws of the state of Texas, having a principal
3 place of business in Mesquite, Texas.

4 10. On information and belief, Defendant Aslam Property, Inc. is a corporation
5 organized and existing under the laws of the state of Texas, having a principal place of business
6 in Mesquite, Texas.

7 11. On information and belief, Defendant Nadeem Aslam is a resident of Texas.

8 **III. FACTUAL BACKGROUND**

9 12. Since 1986, MHT has been engaged and is presently engaged in the design and
10 distribution of custom wheels for automobiles. MHT’s products are sold to automobile dealers
11 and retail distributors of automobile wheels as well as to ultimate consumers throughout the
12 United States.

13 13. On February 2, 2015, MHT filed an application, Serial No. 29/516,462, with the
14 PTO to obtain a design patent on a novel design for the front face of a wheel. The application
15 was filed in the name of Hale, the wheel design’s inventor, and was assigned to MHT.
16 A patent matured from this application entitled “Vehicle-Wheel Front Face,” Patent Number
17 D736,133, issued on August 11, 2015 (the “’133 Patent”). A copy of the ’133 Patent is
18 attached hereto as Exhibit A.

19 14. On February 2, 2015, MHT also filed an application, Serial No. 29/516,463 with
20 the PTO to obtain a design patent on a novel design for a spoke of the wheel claimed by the
21 ’133 Patent. The application was filed in the name of Hale, and was assigned to MHT.
22 A patent matured from this application entitled, “Spoke Segment of a Vehicle Wheel,” Patent
23 Number D736,138, issued on August 11, 2015 (the “’138 Patent”). A copy of the ’138 Patent
24 is attached hereto as Exhibit B.

25 15. On July 2, 2013, MHT filed an application, Serial No. 29/459,538, with the PTO
26 to obtain a design patent on a novel design for the front face of a wheel. The application was
27 filed in the name of Hale, the wheel design’s inventor, and was assigned to MHT. A patent
28 matured from this application entitled “Vehicle-Wheel Front Face,” Patent Number D741,241,

1 issued on October 20, 2015 (the “’241 Patent”). A copy of the ’241 Patent is attached hereto
2 as Exhibit C.

3 16. On July 1, 2013, MHT also filed an application, Serial No. 29/459,540 with the
4 PTO to obtain a design patent on a novel design for a spoke of the wheel claimed by the
5 ’241 Patent. The application was filed in the name of Hale, and was assigned to MHT.
6 A patent matured from this application entitled, “Spoke Segment of a Vehicle Wheel,” Patent
7 Number D736,136, issued on August 11, 2015 (the “’136 Patent”). A copy of the ’136 Patent
8 is attached hereto as Exhibit D.

9 17. Collectively the ’133, ’138, ’241, and ’136 Patents are referred to as
10 “MHT’s Patents.”

11 18. On information and belief, Ammad Hussain is the owner of TWM Wholesale,
12 LLC, Tire & Wheel Master, LLC, Tire & Wheel Master, Inc., and HB Commercial, LLC.

13 19. On information and belief, Tire & Wheel Master, Inc. is the parent of
14 TWM Wholesale, LLC and directs the activities of TWM Wholesale LLC.

15 20. On information and belief HB Commercial, LLC owns the building which
16 TWM Wholesale, LLC, Tire & Wheel Master, LLC, Tire & Wheel Master, Inc. operate out of,
17 has knowledge of their operation, including what products they sell, and directly and materially
18 benefits from their operation.

19 21. On information and belief, Mr. Hussain directs the activities of these companies,
20 including what goods they buy and sell, and what content appears on their website.

21 22. On information and belief Nadeem Aslam is the president of defendant
22 USA Wheel & Tire Outlet, Inc. (“USA Wheel”).

23 23. On information and belief USA Wheel regularly conducts business in the state
24 of California, including this district, and has an office located at 10888 San Sevaine Way,
25 Mira Loma, CA 91752-3268.

26 24. On information and belief, Nadeem Aslam owns Aslam Property, Inc.
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1 25. On information and belief, Aslam Property, Inc. owns the building where one of
2 the branches of USA Wheel operates, has knowledge of USA Wheel’s operation, including
3 what products it sells, and directly and materially benefits from its operations.

4 26. On information and belief Nadeem Aslam directs the activities of USA Wheels,
5 including what goods it buys and sells, and what content appears on its website.

6 27. On information and belief USA Wheel and TWM are related companies.

7 28. On information and belief both have an interest in the XTREME MUDDER
8 product line, as is evidenced by their listing in the “contact us” section of the XTREME
9 MUDDER website. The relevant portion of the XTREME MUDDER website is attached as
10 Exhibit E.

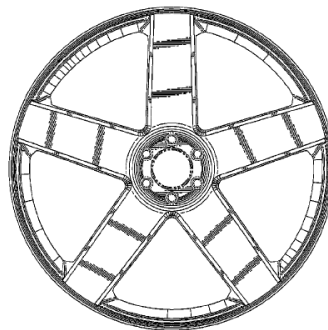
11 29. TWM Wholesale, LLC, Tire & Wheel Master, LLC, Tire & Wheel Master, Inc.,
12 USA Wheel & Tire Outlet, Inc., HB Commercial, LLC, Aslam Property, Inc., Nadeem Aslam,
13 and Ammad Hussain are collectively referred to as “TWM” or “Defendants.”

14 30. Notwithstanding the rights of MHT in MHT’s Patents, TWM has offered for
15 sale and sold vehicle wheels which embody the patented designs claimed by MHT’s Patents.
16 As is demonstrated below, the infringing wheels are nearly identical to the designs claimed by
17 MHT’s Patents.

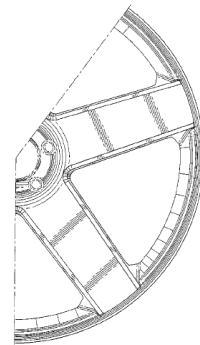
18 31. For example, TWM’s K9 5198 line of wheels infringe the claimed designs of the
19 ’241 and ’136 Patents.



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K9 5198



'241 Patent



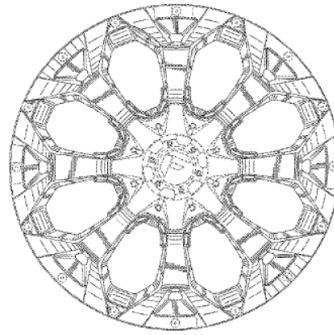
'136 Patent

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27 32. As another example, TWM/XTREME MUDDER’s XM-318 line of wheels
28 infringe the claimed designs of the ’138 and ’133 Patents.

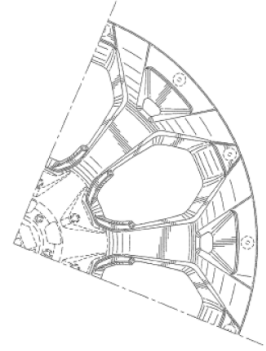
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XM-318



'133 Patent



'138 Patent

33. On February 10, 2017, counsel for MHT sent a letter to TWM demanding that it cease its infringement of a number of MHT's Patents. No response was received. By this letter TWM was put on notice of MHT's patent rights and TWM's infringement of those rights, yet TWM continued to sell the infringing wheels. A copy of this letter is attached as Exhibit F.

34. On information and belief, TWM received MHT's February 10, 2017 letter.

35. After receiving MHT's letter, TWM's continuing sales of the infringing wheels was willful.

36. On June 12, 2017, after checking to determine if TWM had complied with the demands of MHT's February 10, 2017 letter, TWM sent a follow up letter, repeating those demands and requesting that TWM cease its infringement of the above identified patents. A copy of this letter is attached as Exhibit G.

37. MHT was finally contacted by TWM's counsel in July of 2017.

38. After brief correspondence between the parties, TWM denied MHT's infringement allegations, and stated that it would continue to sell the infringing wheels.

39. MHT then made test purchases of the infringing wheels and, after comparing the physical wheels against the designs claimed by MHT's Patents, confirmed that they were infringing. MHT incorporated the analysis in a letter to TWM's counsel which was sent on October 4, 2017. A copy of this letter is attached as Exhibit H.

40. Upon review of TWM's websites, TWM is continuing to sell the infringing wheels.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

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3 41. Plaintiff repeats and realleges herein the allegations contained in Paragraphs 1
4 through 40 hereinabove.

5 42. TWM has offered for sale and sold in this district and elsewhere in the United
6 States, vehicle wheels which infringe the claims of MHT's Patents.

7 43. By is aforesaid acts, TWM has violated 35 U.S.C. § 271 by its direct
8 infringement of MHT's Patents and by its acts of inducing others to infringe MHT's Patents.

9 44. MHT has been damaged by the aforesaid infringement of MHT's Patents and
10 will be irreparably damaged unless TWM's infringement is enjoined by this Court. Plaintiff
11 does not have an adequate remedy at law.

12 45. On information and belief, TWM's infringement of the MHT's Patents was
13 willful.

14 WHEREFORE, Plaintiff MHT demands judgment as follows:

15 1. That this Court adjudge and declare:

16 a. that it has jurisdiction of the parties and of the subject matter of this
17 action;

18 b. that the '133, '138, '241, and '136 Patents are valid and owned by MHT;

19 c. that TWM has infringed MHT's Patents;

20 d. that Ammad Hussain is individually liable for the infringing actions of
21 Tire & Wheel Master, Inc., Tire & Wheel Master, LLC and TWM Wholesale, LLC;

22 f. that HB Commercial, LLC is liable for the infringing actions of Tire &
23 Wheel Master, Inc., Tire & Wheel Master, LLC and TWM Wholesale, LLC;

24 g. that Nadeem Aslam is individually liable for the infringing actions of
25 USA Wheel & Tire Outlet, Inc.; and

26 h. that Aslam Property, Inc. is liable for the infringing actions of USA
27 Wheel & Tire Outlet, Inc.
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2. That TWM be required by mandatory injunction to deliver to MHT for destruction:

a. any and all wheels in TWM’s possession, custody or control embodying unauthorized use of the designs shown in MHT’s Patents, as well as all promotional literature and packaging which display either of the infringing designs; and

3. That TWM be permanently enjoined from selling the K9 5198 and XM-318 line of wheels.

4. That Plaintiff be awarded damages covered by the acts of patent infringement of TWM in an amount not less than a reasonable royalty pursuant to 25 U.S.C. § 284 or in an amount equal to TWM’s profits pursuant to 35 U.S.C. § 289, whichever is greater, and that such damages be trebled in accordance with the provisions of 35 U.S.C. § 284.

5. That TWM pay Plaintiff prejudgment interest on all infringement damages.
6. That Plaintiff have and recover its costs in this action including attorney’s fees.
7. That Plaintiff have such other or further relief as the Court may deem just

and proper.

Dated: February 12, 2018

Respectfully submitted,
LEWIS ROCA ROTHGERBER CHRISTIE LLP

By /s/ Thomas J. Daly
Thomas J. Daly

Attorneys for Plaintiff,
MOBILE HI-TECH WHEELS

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DEMAND FOR JURY TRIAL

Plaintiff hereby makes demand for a jury trial of this action.

Dated: February 12, 2018

Respectfully submitted,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By /s/ Thomas J. Daly
Thomas J. Daly

Attorneys for Plaintiff
MOBILE HI-TECH WHEELS

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